

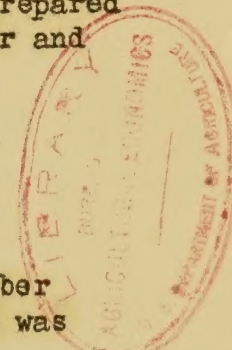
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AUG 17 1939UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
SOUTHERN DIVISIONCOUNTY OFFICE PROCEDURE FOR RETURNING
U. S. TREASURY CHECKS TO THE DISBURSING
OFFICE AND THE SUBMISSION OF CLAIMS AND
ADJUSTMENT APPLICATIONS UNDER THE 1939
PRICE ADJUSTMENT PROGRAM

SECTION I. RETURN OF U. S. TREASURY CHECKS TO DISBURSING OFFICE.

A. Transmittal

1. If for any reason a U. S. Treasury check forwarded to the treasurer of the county agricultural conservation association, (hereinafter referred to as association treasurer) for delivery cannot or should not be delivered, such check should be promptly returned to the Regional Disbursing Office (hereinafter referred to as disbursing office) from which issued. In no event may a Treasury check be retained in the county office for a period exceeding twenty-one days after receipt thereof from the disbursing office.
2. Each check returned to the disbursing office must be accompanied by a separate letter of transmittal, a copy of such letter being forwarded to the State office. The letter of transmittal shall be prepared for the signature of the association treasurer and shall set forth:
 - (a) the number of the check,
 - (b) the name of the payee,
 - (c) the amount for which the check is drawn,
 - (d) the date of issuance,
 - (e) the State and county code and serial number of the application under which the check was drawn,
 - (f) the administrative number of the continuation sheet on which the check is listed,
 - (g) the reason(s) for returning the check.
3. Any forms or statements which are required to be prepared in any case hereinafter enumerated should accompany the copy of the letter of transmittal forwarded to the State office.



SECTION II. NAME OF PAYEE INCORRECTLY OR IMPROPERLY ENTERED ON CHECK

A. Error in Application

1. In cases where the name of the payee is incorrectly or improperly entered on the check as a result of an error in the application, an adjustment application and statement of explanation should be prepared in accordance with the provisions of paragraph 2, subsection B, of Section IV, (page 3) hereof.

B. Error in State Office

1. In cases where the name of the payee has been incorrectly or improperly entered on the check because of an error in the State office, there should be forwarded to the State office a statement, in duplicate, signed by the payee of the check and approved by the secretary of the county agricultural conservation association, (hereinafter referred to as association secretary) and by a member of the county agricultural conservation committee, (hereinafter referred to as a county committeeman),^{1/} setting forth the correct name of the payee and requesting cancellation of the original check and issuance of a check drawn payable to the order of the claimant.

SECTION III. REFUSAL OF PAYEE TO ACCEPT CHECK

A. Notice To State Office Of Return Of Check

1. In cases where the payee of a Treasury check refuses to accept such check, the association treasurer should return the check to the disbursing office and should forward to the State office a statement, in duplicate, signed if possible by the payee of the check, setting forth the reason(s) given for refusal to accept the check.

B. Request For Check

1. If the payee decides to make claim for the check after it has been returned to the disbursing office, he should submit a written request therefor to the county office of the county in which the application originated. Such request should set forth the information required under paragraph 1, subsection B, of Section V, (page 5) hereof.

^{1/} Adjustment applications on Forms ACP-90, "Application for Wheat Payment - 1939 Price Adjustment Program", and the related statements of explanation need not be approved by the association secretary.

2. The association secretary or a county committeeman should certify that the person presenting the claim is entitled to the check and that his address is correctly stated. The request should then be forwarded to the State office

SECTION IV. ERROR IN AMOUNT OF CHECK

A. Error In The Disbursing Office

1. Whenever the amount of the check and the amount shown on the related continuation sheet do not agree, the check shall be returned to the disbursing office notwithstanding the fact that the check may be drawn for an amount less than that due. No further action need be taken by the county office in cases of this nature as the error will be corrected by the disbursing office.

B. Amount Of Check Is Less Than Amount Due

1. Disposition of check.

- (a) In cases where a check is drawn for an amount less than the amount due, the check may be delivered to and negotiated by the payee if the error was caused by:

- (1) an incorrect application, or,
- (2) an error in computation or voucher-ing in the State office.

The payee should be advised that receipt and negotiation of the check under the circumstances outlined in this sub-paragraph (a) will not affect his right to claim the balance due.

2. Error in application.

- (a) If the payee desires to claim the balance due in cases where the check was drawn for less than the amount due because of an error in the application, such claim must be made by the submission of an adjustment application signed by the person(s) ^{2/} making the claim and setting forth the corrected basis for payment.

^{2/} The claims of two or more producers having an interest in an original application may be made on a single adjustment application.

The adjustment application must be executed in accordance with the requirements prescribed for the execution of original applications. The serial number of the adjustment application shall be the serial number of the original application followed by the abbreviation "Adj." Producers not affected by the claim need not sign the adjustment application.

- (b) The adjustment application must be accompanied by a statement, in duplicate, signed by the producer(s) who signed the adjustment application, and approved by the association secretary and a county committeeman 1/ setting forth:

- (1) the nature of the error and how it occurred,
- (2) the administrative number appearing on the continuation sheet on which the original payment was vouchered, and
- (3) a request for payment of the balance due.

3. Error in State office.

- (a) If the payee desires to file claim for the balance due in cases where the amount of the check is less than that due by reason of an error in the State office, a request therefor in the form of a letter or statement should be forwarded to the State office. Such statement or letter should be signed by the applicant and approved by the association secretary and a county committeeman 1/, and should set forth:

- (1) the present address of the applicant,
- (2) the serial number of the application under which claim is filed,
- (3) the administrative number of the continuation sheet on which the original payment was vouchered, and,
- (4) a request that the balance due be paid.

- (b) Claims arising under this paragraph 3 should develop, insofar as possible, only after inquiry through the proper channels has clearly shown that there remains an amount due the applicant under the application.

C. Amount Of Check Is In Excess Of That Due

1. Error in application.

- (a) In cases where a check is drawn for an amount exceeding the amount due, an adjustment application and statement of explanation shall be prepared in accordance with the provisions of paragraph 2, subsection B, of this Section IV, (page 3 hereof).

2. Error in the State office.

- (a) In cases where a check is drawn for an amount exceeding the amount due, the association treasurer should advise the State office of the return of the check, and in addition should submit a statement, in duplicate, setting forth the circumstances of the case. The statement must be approved by a county committeeman but need not be signed by the claimant(s).

SECTION V. ADDRESS OF PAYEE UNKNOWN

A. Attempt To Locate Payee

1. Every effort should be made to locate the payee, by writing or making inquiry of his friends, neighbors, the postmaster, or others who would likely be able to ascertain his new address, before the check is returned to the disbursing office within the prescribed twenty-one day period.
2. After the return of the check to the disbursing office, the county office should continue its efforts to locate the payee.

B. Request For Check

1. If the payee is located after the check has been returned to the disbursing office, he should submit a written request therefor to the association secretary of the county in which the application originated. Such request should set forth:
 - (a) the number of the check,
 - (b) the name of the payee,
 - (c) the amount for which the check was drawn,
 - (d) the date of ~~issuance~~ of the check,
 - (e) the serial number of the application in respect of which the check was drawn,

- (f) a representation that the claimant is the person entitled to the check, and
 - (g) the present mailing address of the payee.
2. The association secretary or a county committee-man should certify that the person presenting the claim is entitled to the check and that his address is correctly stated. The request should then be forwarded to the State office.

SECTION VI. TWO OR MORE CHECKS REPRESENTING THE SAME PAYMENT ARE ISSUED.

A. Disposition Of Check

1. The check(s) most recently received should be returned to the disbursing office whenever two or more checks representing the same payment are received in the county office. The letter of transmittal should set forth:
- (a) the fact that two or more checks representing the same payment have been received, and
 - (b) the number of the check originally received representing such payment.

SECTION VII. CHECK DELIVERED CONTRARY TO THIS PROCEDURE

A. Prior To Negotiation Of Check

1. If, in any of the cases covered by Section II, Section IV, subsection C, and Section VI hereof, a check has been delivered but has not been negotiated:
- (a) the person in possession of the check should be instructed to return it to the association treasurer for return to the disbursing office, and
 - (b) notice of the fact that the holder of the check has been instructed to return it and the reason therefor should be forwarded to the State office by the association treasurer.
2. If the person in possession of a check delivered contrary to the instructions contained in Section II, Section IV, subsection C, or Section VI hereof, fails or refuses to return the check, such person should be requested to:

- (a) refund the exact amount of the check in cases under Sections II and VI, and
 - (b) refund the amount of the excess payment in cases under Section IV, subsection C.
3. If such person fails or refuses to comply promptly with the request for refund, the procedure outlined in paragraph 4, subsection D, of this Section VII is applicable.

B. Subsequent To Negotiation Of Check

1. If, after the happening of any of the contingencies covered by Section II, Section IV, subsection C, and Section VI hereof, the check has been delivered and negotiated, the person receiving it should be requested to:
- (a) refund the exact amount of the check in cases under Sections II and VI, and
 - (b) refund the amount of the excess payment in cases under Section IV, subsection C.
2. Refund should be in the form of a post office money order, certified check, bank draft, or cashier's check, made payable to the Treasurer of the United States, and should be forwarded to the State office accompanied by a statement by the association treasurer, in duplicate, setting forth:
- (a) the name of the person making the refund,
 - (b) the serial number of the application with respect to which the refund is made, and
 - (c) the administrative number of the continuation sheet on which the original payment was vouchered.
3. If the person to whom a check has been delivered contrary to the instructions contained in Section II, Section IV, subsection C, or Section VI hereof, fails or refuses to refund promptly the amount requested pursuant to paragraph 1, subsection B, of this Section VII, his name will be placed on the register of indebtedness and no further payment made to him until the amount of the refund due has been collected, by off-set or otherwise.

C. Erroneous Delivery Of Treasury Check To Person Other Than Rightful Payee

1. If a Treasury check is erroneously delivered to and negotiated by a person other than the rightful payee, the association treasurer should immediately request the disbursing office to stop payment thereon. Such request should set forth the information required in subparagraphs (a), (b), (c), and (d), of paragraph 1, subsection B, of Section V, (page 5) hereof.
2. If payment on the check is stopped, the check should be delivered to the rightful payee as soon as it has been returned through the endorser and redeemed by the person who erroneously negotiated it. The disbursing office should then be advised to remove "stop payment" on the check.
3. If the request for "stop payment" is not received by the Treasury Department prior to the time of acceptance of the check for payment by the Treasury Department, or if for any other reason the erroneously delivered check is paid by the Treasury Department, the rightful payee of the check may file claim for the amount thereof by submission to the State office of a complete statement of the circumstances of the case. The statement must contain the data required under paragraph 1, subsection B, of Section V, (page 5) hereof, except that the claimant shall state that he has never received the original check nor the proceeds thereof.

D. Collections

1. The association treasurer, association secretary, and county committee may adopt any reasonable course of action to collect the amount of the wrongfully negotiated check from the person to whom such check was erroneously delivered. Any amount collected shall be forwarded to the State office for credit to the appropriation charged.

SECTION VIII. LOSS, THEFT, OR DESTRUCTION OF A U. S. TREASURY CHECK

A. Notice To Disbursing Office

1. Whenever any check is lost, stolen, or destroyed, the payee, or the association treasurer, if the loss, destruction, or theft occurred while the check was held in the county office, should immediately notify the disbursing office over his signature and address, re-

questing that payment of the check be stopped and giving, if possible, the following information:

- (a) the number of the check,
- (b) the amount for which the check was drawn,
- (c) the date of issuance of the check, and
- (d) the disbursing office symbol number under which the check was drawn.

B. Recovery Of Original Check

1. If the original check is recovered, the person who requested stoppage of payment should request removal thereof. Such check should not be negotiated until one week after such notice is mailed to the disbursing office. If a duplicate check is issued prior to the recovery of the original check, the original check should be returned to the disbursing office. This matter is within the exclusive jurisdiction of the Treasury Department and every case thereunder must, without exception, be referred by the association treasurer directly to the disbursing office.

SECTION IX. PROCEDURE TO BE FOLLOWED IN DISPOSITION OF CLAIMS CASES ARISING UPON DEATH, DISAPPEARANCE, OR INCOMPETENCE OF PAYEES

A. Form Of Claim

1. Any claim for the proceeds of a check drawn payable to the order of a payee who is deceased or incompetent, or who has disappeared, shall be filed on Form ACP-103, "Application For Payment Of Amounts Due Producers Who Have Died, Disappeared, Or Have Been Declared Incompetent".

(a) General

- (1) Any person who is entitled under the regulations set forth in Section 9 of P-1, "Regulations Pertaining to the 1939 Price Adjustment Payment Program for Producers Of Wheat, Cotton, Corn (In The Commercial Corn Producing Area), Rice And Tobacco", (hereinafter referred to as "regulations"), to all or a share of the proceeds of a check drawn payable to the order of a payee who is deceased or incompetent, or who has disappeared, shall be allowed to file a claim, except:

- a. where the payee is incompetent or has disappeared, claim by a person in the highest class of preference under the regulations shall preclude claims by any other person of the same class of preference. Note that this exception is not applicable to cases where the payee is deceased.
- (2) Claims for the proceeds of checks drawn payable to the order of a payee who is deceased or incompetent, or who has disappeared, may be filed on a single Form ACP-103 if the checks for which claim is filed were issued under applications on Forms ACP-90, ACP-96, or ACP-98, covering a farm or farms located in the same county.
- (3) Claim may be made by the trustee of all or some of the persons entitled to share in the proceeds of the payment. Form AAA-378 may be used in this connection provided the form is amended by inserting after the word "deceased" in the second line of the first paragraph the following words: "who are entitled to share in the payment(s) in respect of which this document is executed."
- (4) Form ACP-103 shall be executed in triplicate.
- (5) All entries on Form ACP-103 other than signatures shall be typed or printed in indelible pencil.
- (6) The instructions printed on the reverse side of the form should be carefully read by the claimant(s) and by the county committee.
- (7) Form ACP-103 need not be attested to by a notary public.
- (8) Payments will be made without regard to claims of creditors. No information concerning debts of the payee's estate need be shown.
- (9) The State and county code numbers shall be entered in the upper right corner of Forms ACP-103 in the space provided. Immediately below the State and county code numbers enter the name of the county.

(b) Paragraph 1

- (1) Enter the name of the payee and the word(s) "died", "disappeared", or "was declared incompetent", whichever is applicable, followed by the date of death, or declaration of incompetency, or the approximate date of disappearance.
- (2) If the claim is based on the laws of the State of domicile of a deceased or incompetent payee, and not on the regulations, 3/ there shall be entered on the form at the end of paragraph 1 the name of the State in which the deceased or incompetent payee was domiciled at the time of his death or adjudication of incompetence.
- (3) Enter in the applicable spaces:
 - a. the form number(s) of the application form(s) and the serial number(s) of the application(s) under which the check(s) for which claim is being made was issued,
 - b. the check number(s) which appear in the upper right corner of the check(s) or in the last column of the related continuation sheet(s),
 - c. the disbursing office symbol number, which appears in the lower right corner of the check(s),
 - d. the amount of each check listed.

(c) Paragraph 2.

- (1) Enter in the applicable spaces:
 - a. the name(s) of the person(s) entitled under the regulations to share in the payment(s), regardless of whether such person(s) are applying for payment(s).

3/ If there are no relatives of a deceased or incompetent payee coming within the classifications provided in the regulations, the rights of the payee's next of kin in respect of the payment are governed by the laws of the State of domicile of the decedent.

- b. the mailing address(es) of such person(s) entitled to share in the payment(s).
- c. the relationship of such person(s) to the payee. If claim is made by an administrator, executor, guardian, committee, conservator, etc., the legal capacity of the claimant shall be entered as the relationship to the payee.

(d) Paragraph 3.

- (1) If any person(s) entitled under the regulations to share in the proceeds of the payment(s) is a minor or is incompetent, enter the name(s) of such person(s), the nature of the disability and the name, mailing address, and capacity of the legal or natural guardian(s), committee(s), or conservator(s) or such person(s), in the applicable spaces.

(e) Paragraph 4.

- (1) The signature(s) of the claimant(s) shall be entered in the space(s) provided and shall be in ink or indelible pencil. A witness is required only when the claimant(s) signs by mark or in other than English script. Witnesses must sign in English script. Any claimant acting in a representative or fiduciary capacity shall indicate that capacity after his signature. The signature(s) of the claimant(s) must appear on the original and the carbon impressions on both copies must be legible.
- (2) Signatures must be affixed in accordance with the instructions set forth in ACP-16, "Instructions on Signatures and Authorizations".

B. Certificate of County Committee

- 1. If the county committee determines that the claimant(s) has the necessary authority to act in the capacity in which he has claimed, it shall authorize one of its members to affix his signature in the space provided in Part II, "Certificate of County Committee". The committeeman who signs the certificate shall also enter the date of his signature.
- 2. If claim is made by a person acting in a representative or fiduciary capacity, and if the county committee does not have knowledge of the claimant's authority to act in that capacity, the claimant shall be required to present

evidence thereof to the committee in accordance with the provisions of ACP-16. No written evidence need be attached to the Form ACP-103 when it is forwarded to the State office.^{4/}

3. If the claim is based on disappearance of the payee, there must be submitted to the county committee the affidavits of the claimant and of a disinterested person who was well acquainted with the payee who has disappeared, setting forth:
 - (a) that the payee has been missing for a period of more than three months,
 - (b) that a diligent search has failed to reveal his whereabouts, and
 - (c) that the payee has not communicated during such period with persons who would be expected to have heard from him.

C. Additional Certifications

1. Where claim is filed by an emancipated minor, i. e., a minor who by legal process has caused his disability to be removed, such emancipated minor must submit a statement to the following effect: "I, John Doe, hereby certify that my disability as a minor was removed by legal process on July 7, 1939."

D. Disposition of Forms ACP-103 and Related Papers

1. The original and first copy of Forms ACP-103 shall be securely attached to any additional certifications required under subsection C of this Section IX and the file transmitted to the State office. The remaining copy shall be retained in the files of the county office. The copy of the letter required under paragraph 2, subsection A, of Section I, (page 1) hereof, shall be included in the transmittal if such copy has not previously been forwarded.

E. Notice of Disallowance

1. If any claim is disallowed, the claimant(s) will be advised by the State office of such disallowance and of the reason(s) therefor. A copy of the notice of disallowance will be forwarded to the county office.

^{4/} Additional certifications required under subsection C of this Section IX must be attached to the related Form ACP-103.

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